

AMENDED**ARIZONA STATE SENATE**
RESEARCH STAFF

TO: MEMBERS OF THE SENATE
HEALTH & HUMAN SERVICES COMMITTEE

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SUBJECT: Strike everything amendment to S.B. 1138 minor gender transition procedures

Purpose

Effective April 1, 2023, prohibits medical and osteopathic physicians from providing irreversible gender reassignment surgery to any person who is under 18 years of age.

Background

Acts considered unprofessional conduct vary between health professionals and are investigated and addressed by the applicable licensing entity or regulatory board. For both medical and osteopathic physicians, any violation of federal law, state law or a rule applicable to the practice of medicine is considered an act of unprofessional conduct, potentially resulting in suspension or revocation of licensure (A.R.S. §§ [32-1401](#); [32-1451](#); and [32-1854](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits medical and osteopathic physicians from providing irreversible gender reassignment surgery to a person who is under 18 years of age.
2. Permits a physician to provide any of the following to persons under 18 years of age:
 - a) services to an individual born with a medically verifiable disorder of sex development, including individuals with irresolvably ambiguous external biological sex characteristics;
 - b) services provided upon diagnosis of a sexual development disorder and a determination that, through genetic or biochemical testing, the individual does not have normal sex chromosome structure, sex steroid hormone production or sex steroid hormone action;
 - c) treatment of an infection, injury, disease or disorder that is caused or exacerbated by the performance of gender transition procedures, regardless of whether the procedure was performed in compliance with state and federal laws; or
 - d) any procedure undertaken due to a physical disorder, injury or illness that would place the individual in imminent danger of death or impairment of major bodily function, unless surgery is performed.
3. Defines *irreversible gender reassignment surgery* as a medical procedure performed for the purpose of assisting an individual with a gender transition, including the following surgical procedures:

- a) penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty or augmentation mammoplasty for biologically male patients; and
 - b) hysterectomy, ovariectomy, metoidplasty, phalloplasty, vaginectomy, scrotoplasty, subcutaneous mastectomy or implantation of erection or testicular prostheses for biologically female patients.
4. Defines terms.
 5. Becomes effective on April 1, 2023.

Amendments Adopted by Committee

1. Adopted the strike-everything amendment.
2. Removes the stipulation that a minor must not have lived continuously in the gender role congruent with their gender identity for 12 months in order for the surgical prohibition to apply.

Senate Action

HHS 2/16/22 DPA 5-3-0

Prepared by Senate Research
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MM/sr